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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 JUSTIN STONE,

11 Plaintiff,

12 v.

13 STATE OF WASHINGTON
14 DEPARTMENT OF CORRECTIONS,
15 *et al.*,

16 Defendants.

CASE NO. 3:20-cv-06007-RAJ-JRC

~~PROPOSED~~ ORDER OF
DISMISSAL WITHOUT
PREJUDICE

17 This matter is before the Court on plaintiff's response to the Honorable J. Richard
18 Creatura's order to show cause regarding failure to serve. *See* Dkt. 5.

19 Federal Rule of Civil Procedure 4(m) requires the Court to "dismiss the action
20 without prejudice . . . or order that service be made within a specified time" "on motion
21 or on its own after notice to the plaintiff" if "a defendant is not served within 90 days
22 after the complaint is filed[.]"
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Here, plaintiff initiated this matter in federal court on October 9, 2020, including paying the filing fee. Dkt. 1. Plaintiff also filed an amended complaint on November 2, 2020. Dkt. 3. The Court referred the matter to a U.S. Magistrate Judge—Judge Creatura.

On March 2, 2021, more than 90 days had passed since the filing of the amended complaint, plaintiff had taken no action since filing the amended complaint, and no defendant had appeared in this matter. Therefore, Judge Creatura issued an order for plaintiff to show cause regarding service. Judge Creatura explained—

[Plaintiff] is responsible for ensuring that defendants are timely served (Fed. R. Civ. P. 4(c)(1)) but it appears that he has failed to do so. No proof of service has been filed, and no defendant has appeared.

Dkt. 4, at 1.

In response, plaintiff's attorney filed a declaration with the Court acknowledging that she has failed to timely effect service and stating that she has no objection to the Court dismissing the matter without prejudice. Dkt. 5.

Therefore, the Court dismisses the matter without prejudice, pursuant to plaintiff's lack of objection and Federal Rule of Civil Procedure 4(m). The Clerk shall close the case.

Dated this 12th day of March, 2021.

A handwritten signature in black ink, reading "Richard A. Jones", written over a horizontal line.

The Honorable Richard A. Jones
United States District Judge